

#22 2/5/02
BrayPTO/SB/28 (06-00)
Approved for use through 10/31/2002 OMB 0631-0022
Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

CHECK BOX if applicable.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

☐ **DUPLICATE**Address to:
Assistant Commissioner for Patents
Box CPA
Washington, DC 20231Attorney Docket No.
of prior application

PB340P2

First Named Inventor

Choi et al.

Examiner Name

Hines, J.

Group/Art Unit

1641

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d),(continued prosecution application (CPA)) of the prior application number 08/961,083filed on 10/30/97 entitled Streptococcus pneumoniae Antigens and Vaccines**NOTES**

FILING QUALIFICATIONS. The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000). Interim Rule, 65 Fed. Reg. 14863 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-J-P NOT PERMITTED. A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION. The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION. The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT. In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR § 1.78(u).

Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on April 27, 2000 under 37 CFR § 1.312 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO/SB/08
 - b. ☐ Copies of IDS citations

[Page 1 of 2]

Burden Hour Statement: this form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231

ST AVAILABLE COPY

PTO/SB/28 (08-00)
 Approved for use through 10/31/2002 OMD 0031-0032
 Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS 73 (37 CFR § 1.10(c) or (j))	-20* =	53	x \$ 18.00 =	\$ 954.00
	INDEPENDENT CLAIMS 2 (37 CFR § 1.16(b) or (i))	-3** =	0	x \$ 80.00 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			x \$ 270.00 =	
				BASIC FEE (37 CFR § 1.16)	\$ 710.00
				Total of above Calculations =	\$1,664.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27)				
	* Reducing claims in excess of 20 and over original patent ** Reducing independent claims over original patent			TOTAL =	\$1,664.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No 08-3425
- a. ☒ Fees required under 37 CFR § 1.16.
- b. ☒ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.
8. ☐ A check in the amount of \$_____ is enclosed.
9. ☐ Payment by credit card Form PTO-2038 is enclosed.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
11. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided heretofore.)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Fee Transmittal Sheet
 Petition to Withdraw Application From Issue Under 37 C.F.R. § 1.313(b)(5)

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **Customer No. 22195** or ☐ New correspondence address below

Name

Address

City

State

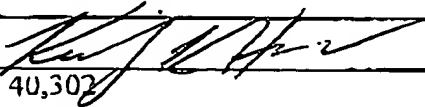
Zip Code

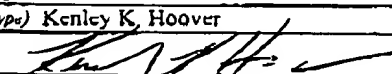
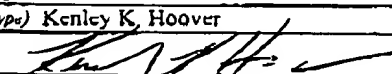
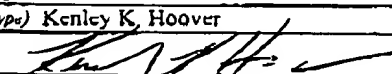
Country

Telephone

Fax

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kenley K. Hoover
Signature	
Registration No (Attorney/Agent)	40,302
Date	December 11, 2000

FEE TRANSMITTAL for FY 2001				Complete if Known																																																																																																																																																																																																																																																																																																																																																																																								
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1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number 08-3425 Deposit Account Name Human Genome Sciences, Inc. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27				3. 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Hoover</td> <td colspan="2">Registration No. 40,302</td> <td colspan="2">Telephone 301-610-5771</td> </tr> <tr> <td colspan="4">Signature: </td> <td colspan="2"></td> <td colspan="2">Date 12/11/2000</td> </tr> </tbody> </table>				Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing of Oath or Declaration		127	50	227	25	Surcharge - late provisional filing fee or covers sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920	112	920	Requesting publication of SIR prior to Examiner action		113	1,840	113	1,840	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner	130.00	123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Statement		581	40	481	40	Recording each patent assignment per property (units number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(d))		147	710	247	355	For each additional invention to be examined (37 CFR 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		109	190	109	900	Request for expedited examination of a design application		Other fee (specify)								Other fee (specify)								*Reduced by Basic Filing Fee Paid								Subtotal (3)				\$130.00				FEE CALCULATION								1. 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Hoover				Registration No. 40,302		Telephone 301-610-5771		Signature: 						Date 12/11/2000	
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105	130	205	65	Surcharge - late filing of Oath or Declaration																																																																																																																																																																																																																																																																																																																																																																																								
127	50	227	25	Surcharge - late provisional filing fee or covers sheet																																																																																																																																																																																																																																																																																																																																																																																								
139	130	139	130	Non-English specification																																																																																																																																																																																																																																																																																																																																																																																								
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																																																																																																																																																																																																								
112	920	112	920	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																																																																																																																																								
113	1,840	113	1,840	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																																																																																																																																								
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																																																																																																																																																																																																								
116	390	216	195	Extension for reply within second month																																																																																																																																																																																																																																																																																																																																																																																								
117	890	217	445	Extension for reply within third month																																																																																																																																																																																																																																																																																																																																																																																								
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																																																																																																																																																																																																																								
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																																																																																																																																																																																																																								
119	310	219	155	Notice of Appeal																																																																																																																																																																																																																																																																																																																																																																																								
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																																																																																																								
121	270	221	135	Request for oral hearing																																																																																																																																																																																																																																																																																																																																																																																								
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																																																																																																								
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																																																																																																																								
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																																																																																																																																																																																																																																																								
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																																																																																																								
143	440	243	220	Design issue fee																																																																																																																																																																																																																																																																																																																																																																																								
144	600	244	300	Plant issue fee																																																																																																																																																																																																																																																																																																																																																																																								
122	130	122	130	Petitions to the Commissioner	130.00																																																																																																																																																																																																																																																																																																																																																																																							
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																																																																																																																																																																																								
126	240	126	240	Submission of Information Disclosure Statement																																																																																																																																																																																																																																																																																																																																																																																								
581	40	481	40	Recording each patent assignment per property (units number of properties)																																																																																																																																																																																																																																																																																																																																																																																								
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(d))																																																																																																																																																																																																																																																																																																																																																																																								
147	710	247	355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																																																																																																																								
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																																																																																								
109	190	109	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																																																																																								
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-1038.

Budget Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual user. Any comments on the accuracy of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patent, Washington, DC 20231.

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HUMAN GENOME SCIENCES, IN

Please date stamp and return to addressee on reverse side

Application of: Choi et al.

Application Number: 08/961,083

Filed: October 30, 1997

Title: *Streptococcus pneumoniae* Antigens
And Vaccines

Group Art Unit: 1641

Examiner: Hines, J.

Army. Docket No.: PB340P2

Documents Filed Via Hand Delivery on April 27, 2000

1. Postcard (1)
2. Amendment Under 37 C.F.R. § 1.312
3. Fee Transmittal Sheet, with appropriate fee (in dupl.)
4. Statement under 37 C.F.R. §§ 1.821-1.825
5. Substitute Sequence Listing in paper and computer readable form (6 pages)
6. Issue Fee Transmittal, with appropriate fee (in dupl.)



MSM/CB/mpb

Arm.: Legal Dept.

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/961,083	10/30/97	CHOI	G P6340F2

 001195
 HUMAN GENOME SCIENCES INC
 9410 KEY WEST AVENUE
 ROCKVILLE MD 20850

HM33/1024

EXAMINER
HINES, J

ART UNIT	PAPER NUMBER
1541	

DATE MAILED: 10/24/00

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OCT 31 2000

KKT CB
HGS PATENT DEPT

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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**Response to Rule 312
Communication**

Application No.

08/961,083

Applicant(s)

Choi, et al

Examiner

Ja-Na Hines

Group Art Unit

1645

☐ The petition filed on _____ under 37 CFR 1.312(b) is granted. The paper has been forwarded to the examiner for consideration on the merits.

☒ The amendment filed on Apr 27, 2000 under 37 CFR 1.312 has been considered, and has been.

☐ entered.

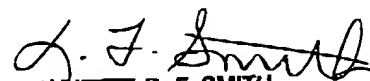
☐ entered as directed to matters of form not affecting the scope of the invention (Order 3311).

☒ disapproved. See explanation below

☐ entered in part. See explanation below.

The PTO no longer accepts 312(b) amendments. This new interim rule became effective March 20, 2000. See

Federal Register: March 20, 2000 (Volume 65, Number 54), page 14869 "The Office proposed changing Sec. 1.132 to provide that any amendment filed after the date the issue fee is paid must be accompanied by: (1) A petition under Sec. 1.313(c)(1) to withdraw the application from issue; (2) an unequivocal statement that one or more claims are unpatentable; and (3) an explanation as to how the amendment is necessary to render such claim or claims unpatentable"


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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Paper No. 24

(D)
Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850

DEC 13 2000
HGS PATENT DEPT.

COPY MAILED

DEC 11 2000

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Gil H. Choi, et al.
Application No. 08/961,083
Filed: October 30, 1997
Attorney Docket No. PB340P2

ON PETITION

This is a decision on the petition, filed December 11, 2000, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is hereby withdrawn from issue.

Petitioner is advised that the issue fee paid on April 27, 2000 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed December 11, 2000.

Telephone inquiries should be directed to Marianne Morgan at (703) 306-3475.

The application is being forwarded to Technology Center 1600 for processing of the CPA.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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